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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,586	11/26/2001	Jennifer French	40125/264743	3623

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EXAMINER

SONG, HOSUK

ART UNIT PAPER NUMBER

2135

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,586

Applicant(s)

FRENCH ET AL.

Examiner

HOSUK SONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-57,61-69 is/are rejected.
- 7) ☒ Claim(s) 58-60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39-41,46-52,54-57,62-63,66,68 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan(US 6,460,076).

Claim 39,41: Srinivasan discloses receiving a first type of information from the user, wherein the first type of information is wallet type information and formulating and presenting to the user, in real time, a query based on the first type of information received and upon information located in a credit file, the credit file containing credit-related information from a plurality of the user's creditor's in (fig.1 and col.2,lines 43-50). Srinivasan discloses receiving a response to the query from the user in real time and comparing the response to information in the user's credit file, in real time, to authenticate the user's identity and allowing the user to access a predetermined transaction in real time, only if the user's identity is authenticated in (col.2,lines 56-59; col.4,lines 27-29).

Claim 40: Srinivasan discloses indicating to the user acceptance of first type of information and response provided by the user in (col.4,lines 27-29).

Claims 46-47: Srinivasan discloses user provides the first type of information and the response from a platform located remotely from the credit file in (fig.1 and col.3,lines 62-65).

Claim 48: Srinivasan discloses predetermined transaction is provided by a party other than the credit file's owner in (fig.1).

Claim 49: Srinivasan discloses sequential execution in(col.2,lines 43-55).

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Claims 50-51: Srinivasan discloses verifying first type of information received in (col.2,lines 46-50).

Claim 52: Srinivasan disclose preprocessing at least some information from the first type of information for reliability,including performing at least one task selected from the group of tasks consisting of (1) checking format of the at least some information;(2) comparing the at least one some of the information against a record of known data and (3) ensuring that the at least some information is present in the record of known data in (col.2,lines 43-50).

Claims 54- 56: Srinivasan disclose retrieving the user's information from the credit file and determining a level of correspondence between the response received and user's information retrieved from the credit file in (fig.1 and col.4,lines 27-29).

Claim 57: Srinivasan disclose identity of the user is authenticated based on at least one of the following: a level of correspondence determined between the first type of information received and user identification information retrieved from a data source, and an evaluation in (col.col.2,lines 56-59).

Claim 62: Srinivasan discloses performing a fraud check to detect a fraudulent attempt to authenticate by the user in (col.7,lines 33-35).

Claim 63: Srinivasan disclose receiving the first type of information and formulating and presenting, in real time, a query based on the first type of information and the user's information retrieved from a credit file, the credit file containing credit-related information originating a plurality of the end-user's creditors in (fig.1). Srinivasan disclose receiving a response in real time and comparing the response in real time to information in the credit file and providing an indication about the end user's identity in real time in (col.2,lines 43-59).

Claim 66: Srinivasan discloses an input interface for receiving interactive input from the user and a credit database containing at least one credit file about the user, the credit file containing information originating from a plurality of the user's creditors in (Fig.1). Srinivasan discloses a processor connected

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to the input interface and configured to receive a first type of information from the user, wherein the first type of information is wallet type information and formulate and present to the user, in real time, a query based on the first type of information received; receive a response from the user in real time and compare the response with information in the credit database and provide an indication about the user's identity in (fig.1 and col.2,lines 56-59; col.4,lines 27-29).

Claim 68: Srinivasan disclose retrieve the user's information from the credit database; compare the first type of information with the user's information retrieved from the credit database and determine a level of correspondence between the first type of information and the user's information retrieved from the credit database in (fig.1 and col.2,lines 46-50;col.4,lines 27-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42-45,53,61,64-65,67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan(US 6,460,076).

Claims 42-45,64-65,67: Srinivasan does not specifically disclose plurality of queries are presented in a single display to the user. Official notice is taken that plurality of queries are presented in a single display to the user is well known in the art. One of ordinary skill in the art would have been motivated to employ plurality of queries in order to filter out intruders from breaking into the system thus adding extra layers of security. Further multiple choice format query is well known in the art. One of ordinary skill in the art would have been motivated to employ multiple choice format in order to provide a

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user friendly environment where authorized user can easily remember ID information based on choices given.

Claim 53: Official notice is taken that issuance of a digital certificate is well known in the art.

One of ordinary skill in the art would have been motivated to employ or issue digital certificate in order to properly authenticate identity of the certificate as well as holder of the certificate.

Claim 61: Official notice is taken that pattern recognition is well known in the art. One of ordinary skill in the art would have been motivated to employ pattern recognition in order to filter out against repeated attacks by the intruders.

Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan(US 6,460,076) in view of O'Neil et al.(US 5,987,440).

Claim 69: Srinivasan does not specifically disclose a biometric data input device connected to the processor, wherein the biometric data input device is capable of receiving biometric data from the user. O'Neil's patent disclose biometric input from the user in (col.8,lines 41-43). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ biometric scheme as taught in O'Neil with network sales system of Srinivasan because biometric scheme is stable and not susceptible to being forgotten.

Allowable Subject Matter

Claims 58-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Applicant's Arguments


Previous rejection based on Payne patent is withdrawn in view of Applicant's arguments filed 8/24/06. However, newly discovered prior art has necessitated new grounds of rejection. Delay in citation of newly discovered prior art is regretted.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HOSUK SONG
PRIMARY EXAMINER